



2025:DHC:6042



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.07.2025

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BAIL APPLN. 1180/2025 & CRL.M.A. 9063/2025**GAURAV KWATRA**

.....Petitioner

Through: Mr. Sparsh Chaudhary, Advocate.

versus

STATE

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Prashant Kumar, PS Prashant
Vihar.
Mr. Nikhil Dogra, Advocate for
Complainant.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The accused/applicant, suffering incarceration since 20.10.2024 seeks regular bail in case FIR No. 505/2024 of PS Prashant Vihar for offences under Section 309(6)/310(2)/311/3(5) BNS.

2. Broadly speaking, the prosecution case as unfolded through the FIR registered on the statement of one Shibbu Singh Verma is as follows. On 18.10.2024, at about 12:50 pm when he was present in his home with his wife Nirmala, he heard sound of opening of the iron gate and went to the first floor. While he was opening the gate of the staircase, five boys pushed



him and forcibly entered into his home. One of those boys gagged the complainant *de facto* with hand and asked him where the cash of his son had been kept. Another boy tied his hands and mouth. Another boy tied hands, mouth, and feet of his wife and slapped them. One of those boys whipped a knife, threatening to kill them. Thereafter, two boys went inside and took out some gold and cash to the tune of approximately Rs. 2 crores and fled away.

3. Learned counsel for the accused/applicant submits that there is no evidence to connect the accused/applicant with the crime. It is contended that since the accused/applicant is admittedly not one of those alleged robbers, there is no reason to keep him in jail.

4. On the other hand, learned APP for State assisted by learned counsel for the complainant *de facto* and the Investigating Officer/SI Prashant Kumar strongly opposes the bail application, contending that the accused/applicant conspired with the alleged robbers in committing the offence.

5. It appears from the chargesheet that after committing the alleged robbery, the robbers fled the spot; that the alleged robbers were unknown and unidentified persons; that subsequent to the alleged incident, one secret informer informed the Investigating Officer that the alleged robbers belonged to Badmalikpur. The Investigating Officer on the basis of secret information zeroed down on two boys namely Pawan and Kamal of Badmalikpur as they had not contacted their family for past few days. The



mobile phone of Kamal showed that he was in contact with the present accused/applicant Gaurav Kwatra. The accused/applicant was the employee of son of the complainant *de facto* till the year 2023. Kamal was an employee of the company joined by the accused/applicant subsequently. It is on the basis of these circumstances that the accused/applicant was arrested.

6. In response to a specific query, the Investigating Officer submits that to establish connection between the alleged robber Kamal and the accused/applicant, there are only two pieces of evidence, namely the CDRs and the CCTV footage. The CDRs reflect telephonic connectivity between Kamal and the accused/applicant till 12.10.2024 only, while the alleged robbery took place on 18.10.2024. During the period from 12.10.2024 till the alleged robbery, there is no evidence to connect the accused/applicant with Kamal. As regards the CCTV footage, the same was played in Court. It is claimed by the Investigating Officer that at 06:00 pm on 18.10.2024, the alleged robber Kamal entered the factory where the accused/applicant was employed and after a few minutes, both of them came out and then they exited from two different gates. In this regard, learned counsel for the accused/applicant contends that in the alleged CCTV footage also, neither of the said two persons is identifiable.

7. There is no other material against the accused/applicant.

8. Considering the above circumstances, I find no reason to deprive the accused/applicant further of his liberty. Therefore, the bail application is



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allowed and it is directed that the accused/applicant be immediately released on bail subject to his furnishing a personal bond in the sum of Rs. 10,000/ with one surety in the like amount to the satisfaction of the Trial Court. Pending application also stands disposed of.

9. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

JULY 25, 2025/DR